

RECEIVED

DEC 26 2000

TECH CENTER 1600/2900

ATTORNEY DOCKET NO.: VOSS110
PCT 10
01-048



PATENT COOPERATION TREATY
LEGAL OFFICE

Applicant: Georg Breier, et al.

Application No.: US 09/445,201

PCT No.: PCT/EP98/03318

Int. Filing Date: 03 June 1998

Priority Date: 03 June 1997

Title: REGULATORY SEQUENCES CAPABLE OF CONFERRING
EXPRESSION OF A HETEROLOGOUS DNA SEQUENCE IN
ENDOTHELIAL CELLS IN VIVO AND USES THEREOF

PCT Legal Examiner:
Leonard E. Smith

Box PCT
Assistant Commissioner for Patents
Washington, D.C. 20231

COMMUNICATION REGARDING DECISION ON PAPERS
FILED UNDER 37 CFR 1.42 AND 1.44

Sir:

In response to the decision dated on August 29, 2000, concerning the above identified application, the conclusion stated that the papers filed under 37 CFR 1.42 were accepted. However, the decision further stated that proof of authority of the legal representative in compliance with 37 CFR 1.44 needed to be submitted before the grant of the patent. Subsequently, 37 CFR §1.44 has been deleted, and, according to *The Official Gazette*, the requirement for proof of authority made by an examiner can be satisfied by a reply referencing this final rule.

CERTIFICATE OF MAILING BY "FEDERAL EXPRESS"

DATE OF DEPOSIT December 19, 2000 I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING SHIPPED VIA FEDERAL EXPRESS UNDER 37 C.F.R. 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO: European Patent Office, STRAND Program, Directorate Biotechnology (Dir 1212), Attn: Ms. M. Deleye, Room S 02 N 24, Patentlaan 2, NL-2288 EE Rijswijk (NL).

Donald Selway
(Name of Person mailing Paper)

(Signature of Person Mailing Paper)

7919 2694 7950

FEDERAL EXPRESS" TRACKING LABEL NO.

December 19, 2000
Date

In re Application of
Georg Breier, et al.
Application No.: 09/445,201
PCT No.: PCT/EP98/03318
Int. Filing Date: 03 June 1998

PATENT
Attorney Docket No.: VOSS1110

Accordingly, the requirement for 37 CFR §1.42 has hereby been met by the present communication referencing *The Official Gazette*, week 38, 2000, as the final rule deleting 37 CFR §1.44 effective on September 8, 2000, as published in *The Federal Register* with 37 CFR §1.64.

No fee is believed to be due with this communication, however, if there is a fee, please charge deposit account number 50-1355.

Respectfully submitted,

Date: 12/19/00


Lisa A. Haile, Ph.D.
Reg. No. 38,347
Attorney for Applicant

GRAY CARY WARE & FREIDENRICH LLP
4365 Executive Drive, Suite 1600
San Diego, CA 92121-2189
Telephone: (858) 677-1456
Facsimile: (858) 677-1465